IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 4260 of 2007(F)

PETITIONER:

M/S.KAISONS RECLAIM PRODUCTS,
DEVELOPMENT AREA, EDAYAR,
MUPPATHADAM P.O., ALUVA- 683 110,
REP.BY ITS MANAGING PARTNER, K.E.MEETHIYAN KUTTY.

BY ADV. SRI.P.K.IBRAHIM

RESPONDENTS:

THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICITY SECTION, EDAYAR.

BY ADV. SRI. JOSE J.MATHEIKEL,S C FOR KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 4260/2007 F

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE COMMUNICATION DT. 10/7/06 TO THE MEETHIANKUTTY, MANAGING PARTNER OF THE PETITIONER FIRM FROM THE HDFC BANK LTD.

EXT.P2. COPY OF THE STATEMENT DT. 3/12/2005 REMITTING ADDITIONAL CASH DEPOSIT OF RS. 41940/- IN 8 INSTALMENTS.

EXT.P3A. COPY OF THE ELECTRICITY BILL DT. 17/11/2006 ISSUED BY THE SR. SUPERINTENDENT, ELECTRICAL SECTION, EDAYAR (MUPPATHADOM).

EXT.P3B. COPY OF THE ELECTRICITY BILL DT. 17/12/2006 ISSUED BY -DO-

EXT.P3C. COPY OF THE ELECTRICITY BILL DT. 17/1/2007 ISSUED BY THE SR. SUPERINTEDENT, ELECTRICAL SECTION, EDAYAR.

EXT.P4. COPY OF THE NOTICE DT. 22/1/2007 ISSUED BY THE RESPONDENT TO THE PETITIONER FIRM.

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K.BALAKRISHNAN NAIR, J.

WP(C).No.4260 of 2007-F

Dated this the 19th day of February, 2007.

JUDGMENT

The petitioner is a consumer of electricity. It has been called upon by Ext.P4 to remit Rs.1,77,620/- as additional security deposit. This writ petition is filed challenging the said demand. The petitioner, relying on Ext.P3 series would submit that the average monthly bill ranges from Rs.72,000/- to Rs.79,000/-. As per Regulation 13 (4) of the Kerala Electricity Supply Code 2005, the maximum amount that could be demanded by way of deposit is only 2 months' average electricity charges. It is pointed out that at present the security deposit with the K.S.E.B. will come to Rs.46,440/-. If that amount is deducted from the amount demanded under Ext.P4, it is submitted the demand is illegal in the light of Regulation 13 (4).

2. I heard the learned Standing Counsel for the respondent also.

3. The learned counsel for the petitioner submitted that it appears that there is some mistake in the computation, while issuing Ext.P4.

4. The respondent is directed to issue a fresh demand in the place of Ext.P4, in the light of Regulation 13 (4) mentioned above, within one month from today. The petitioner prays for instalment

facility to remit the additional security deposit. It refers to the earlier facility offered to it under Ext.P2. The respondent while raising fresh demand concerning security deposit shall also consider the request of the petitioner for instalment facility as was granted under Ext.P2. No coercive action shall be taken against the petitioner, until it is served with a fresh demand as directed above which shall contain a decision on its claim for instalment facility.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.